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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,373	02/28/2002	Maurice Sharp	PALM-3781.US.P	3394
49637	7590	11/16/2005	EXAMINER	
BERRY & ASSOCIATES P.C. 9255 SUNSET BOULEVARD SUITE 810 LOS ANGELES, CA 90069			JASMIN, LYNDY C	
			ART UNIT	PAPER NUMBER
			3627	

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/087,373	<b>Applicant(s)</b> SHARP, MAURICE	
	<b>Examiner</b> Lynda Jasmin	<b>Art Unit</b> 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2005.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-13,15-22 and 24-28 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-3,5-13,15-22 and 24-28 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

*Yr*

**DETAILED ACTION**

1. Amendment received on August 26, 2005, has been acknowledged.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 5-13, 15-22 and 24-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Panofsky et al. (2002/0161476 A1), in view of Rice, III (2002/0174010).

Panofsky et al. discloses a networked software dispensing system having a bus (via USB, IrDA, or parallel port connector), a memory unit (solid state memory) coupled with the bus for storing one or more software program (such as digital files), a display device (interface screen 11 via 90) coupled with the bus, a communications interface (box 27) coupled with the bus for communicating with a portable electronic device (either a laptop or a personal digital assistant), a device for accepting a payment for the software program coupled with the bus (inserting coins, bills, or swiping a credit card), and a processor coupled with the bus for transferring the software program to the portable electronic device in response to the payment (via computer system locating at the vending machine or host terminal, box 46, lines 1-8). The communications interface is a wireless communications interface (box 93).

Panofsky et al further discloses a network interface for communicating with a remote network server (box 47). The remote network server transmits additional software to the network interface for storage on the memory unit (box 32). The network interface communicates a backup configuration of the portable computer system to the remote network server (via uploading large files from the handheld device, box 50, lines 39-44). The display device displays, in conjunction with the backup configuration, an emulated version of the portable computer system (box 50, line 25-38). The remote network server (via central server) archives an inactive software program for the portable computer system (via the online account). The remote network server transmits an updated version of the software program to the portable computer system (box 75).

However, Panofsky et al. fails to explicitly disclose the display device displaying an emulation of the portable computer system to test the one or more software prior to downloading onto the portable computer system.

Rice, III discloses a system and method of permissive data flow and application transfer with the concept of having a remote user wishing to begin using a software application, which he has not yet loaded on his client PC. The user may wish to operate in thin client mode 112 in order to immediately use an application, the "user application" residing on a remote server. The user may operate in a thin client mode 112 if the user has access to a commercial service providing access, for example, to a server providing terminal emulation capabilities. This terminal emulation may proceed by input at the client machine being transmitted as instruction requests to the server, indicated by 114.

Upon execution of the instruction request 116 at the server application level, the server web-enabling application may modify the GUI or other interface state of the remote user's data file, indicated by 118, as returned by the "user application" running on the server, i.e., the application that the remote user wishes to use for manipulation of a certain data file. In other words, *the user's input on the client machine is transmitted to the server*, executed on the user application running on the server, and the output of the user application 118 is sent to the client machine, basically, as a "picture" of the server's executable user application output. Because this picture is preferably changed very frequently, the experience of the client user is substantially the same as if the user was inputting commands to executable code resident on the client machine. This "picture" repeatedly sent to the client user may be termed the "GUI state" 118 of the application executing on the server. The executable code which allows the client machine to emulate a terminal, i.e., allows the client machine to send instructions to the server machine, and display the GUI or other output of the client machine, may be considered a component of enable code, and is called commonly a "thin-client". If a client machine already has the terminal emulation thin client software installed, the enable code downloaded to the client machine may consist solely of the server-based application's "GUI State".

From this teaching of Rice, III, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the vending and dispensing of digital files with customize display on a screen of Panofsky et al. to include the displaying an emulation of a client computer system taught by Rice, III for

the purpose of permitting a remote client computer to access a server computer and receive GUI or other interface output from the server computer to reflect the operation of an executable application.

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-3, 5-13, 15-22 and 24-28 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

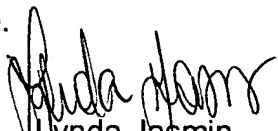
5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda Jasmin whose telephone number is (571) 272-6782. The examiner can normally be reached on Monday- Friday (9:30-6:00) with Thursday Telework.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Lynda Jasmin  
Primary Examiner  
Art Unit 3627